

Condensed Transcript
Testimony of:

COLLEEN DUNN

Date: May 30, 2019

Anthony J. Pipito v. Lower Bucks County Joint Municipal
Authority, et al.

No.: USDC E.D.PA 18-4885

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<p style="text-align: right;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA</p> <p>3 * * *</p> <p>4 ANTHONY PIPITO :</p> <p>5 v. :</p> <p>6 LOWER BUCKS COUNTY JOINT : MUNICIPAL AUTHORITY and : 7 VIJAY RAJPUT : NO. 18-4885</p> <p>8 * * *</p> <p>9 May 30, 2019</p> <p>10 * * *</p> <p>11 * * *</p> <p>12 * * *</p> <p>13 Oral deposition of COLLEEN DUNN,</p> <p>14 held in the offices of Lower Bucks County</p> <p>15 Joint Municipal Authority, 7811 New Falls</p> <p>16 Road, Levittown, Pennsylvania 19055,</p> <p>17 commencing at 10:05 a.m., on the above date,</p> <p>18 before Hope Agosto, a Professional Court</p> <p>19 Reporter and a Notary Public.</p> <p>20 * * *</p> <p>21 R&K REPORTING</p> <p>22 Court Reporting Services</p> <p>23 PO Box 1372</p> <p>24 Levittown, Pennsylvania 19058-1372</p> <p> Phone (215) 946-7009 Fax (215) 949-1867</p>	<p style="text-align: right;">3</p> <p>1 * * *</p> <p>2 INDEX</p> <p>3 * * *</p> <p>4 WITNESS PAGE NO.</p> <p>5 COLLEEN DUNN</p> <p>6 By Mr. Weinstein 4</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 * * *</p> <p>13 EXHIBITS</p> <p>14 * * *</p> <p>15 NO. DESCRIPTION PAGE NO.</p> <p>16 (NONE)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">2</p> <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 WEINSTEIN LAW FIRM, LLC</p> <p>4 BY: MARC E. WEINSTEIN, ESQUIRE</p> <p>5 500 Office Center Drive</p> <p>6 Suite 400</p> <p>7 Fort Washington, Pennsylvania 19034</p> <p>8 (267) 513-1942</p> <p>9 marc@meweinsteinlaw.com</p> <p>10 -- Counsel for the Plaintiff</p> <p>11</p> <p>12 MARKS, O'NEILL, O'BRIEN,</p> <p>13 DOHERTY & KELLY</p> <p>14 BY: CECIL J. JONES, ESQUIRE</p> <p>15 1617 John F. Kennedy Boulevard</p> <p>16 Suite 1010</p> <p>17 Philadelphia, Pennsylvania 19103</p> <p>18 (215) 564-6688</p> <p>19 cjones@moodklaw.com</p> <p>20 -- Counsel for the Defendants</p> <p>21</p> <p>22 A L S O P R E S E N T:</p> <p>23 Anthony Pipito</p> <p>24 Vijay S. Rajput, Ph.D, P.E.</p> <p> Michael Andrews</p>	<p style="text-align: right;">4</p> <p>1 * * *</p> <p>2 (It is hereby stipulated and</p> <p>3 agreed by and between counsel for the</p> <p>4 respective parties that the sealing,</p> <p>5 filing and certification are waived; and</p> <p>6 that all objections, except as to the</p> <p>7 form of the question, be reserved until</p> <p>8 the time of trial.)</p> <p>9 * * *</p> <p>10 COLLEEN DUNN, after having been</p> <p>11 first duly sworn, was examined and</p> <p>12 testified as follows:</p> <p>13 * * *</p> <p>14 EXAMINATION</p> <p>15 * * *</p> <p>16 BY MR. WEINSTEIN:</p> <p>17 Q. Ma'am, could you state and spell your</p> <p>18 full name, please?</p> <p>19 A. Sure, it's Colleen Dunn,</p> <p>20 C-O-L-L-E-E-N, D-U-N-N.</p> <p>21 Q. And your residential address?</p> <p>22 [REDACTED]</p> <p>23 Q. Ma'am, does anyone live at that</p> <p>24</p>

<p style="text-align: right;">29</p> <p>1 harassment memo?</p> <p>2 A. We had, just to finish proofreading.</p> <p>3 Q. And was anybody else in that meeting?</p> <p>4 A. Not that I can recall.</p> <p>5 Q. And did anybody else propose changes</p> <p>6 to the draft memo as far as you're aware?</p> <p>7 A. Not that I can recall, or not that I</p> <p>8 know I should say.</p> <p>9 Q. If you look at email number 12, Bates</p> <p>10 stamped LBCJMA email 12, if you look at those</p> <p>11 last two pages of these set of documents I gave</p> <p>12 you. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. It's number 12 and 13 at the bottom.</p> <p>15 A. Yes.</p> <p>16 Q. Compared to 9 and 10, were 12 and 13</p> <p>17 prepared before or after, if you know?</p> <p>18 MR. JONES: Do you understand</p> <p>19 what he's asking?</p> <p>20 THE WITNESS: Can you repeat</p> <p>21 that?</p> <p>22 BY MR. WEINSTEIN:</p> <p>23 Q. Sure. If you look at 9 and 10, am I</p> <p>24 right that those mark-ups on 9 and 10 were your</p>	<p style="text-align: right;">31</p> <p>1 Q. Who prepares the checks?</p> <p>2 A. Accounts payable.</p> <p>3 Q. Who is in accounts payable?</p> <p>4 A. Laureen.</p> <p>5 Q. Have you seen checks that have been</p> <p>6 prepared to S2A Technologies?</p> <p>7 A. Physically, no.</p> <p>8 Q. Have you seen the data or</p> <p>9 spreadsheets or QuickBooks indicating payments</p> <p>10 that have been made to S2A Technologies?</p> <p>11 A. Yes.</p> <p>12 Q. Tell me about that, please.</p> <p>13 A. It comes over as a requisition to be</p> <p>14 signed and that's where I see it.</p> <p>15 Q. Do you have to approve the payments?</p> <p>16 A. Yes. I'd like to rephrase. I don't</p> <p>17 approve payments. I approve the ability for</p> <p>18 the item to be presented to the board.</p> <p>19 Q. For calendar year 2018, what's the</p> <p>20 estimated total of payments made to S2A</p> <p>21 Technologies from the Authority?</p> <p>22 A. I do not know.</p> <p>23 Q. If you wanted to wanted to find out,</p> <p>24 how would you find out?</p>
<p style="text-align: right;">30</p> <p>1 mark-ups?</p> <p>2 A. Yes.</p> <p>3 Q. Proposed to Vijay?</p> <p>4 A. Yes.</p> <p>5 Q. Tell me, then, if you know, what is</p> <p>6 12 and 13?</p> <p>7 A. Another revision.</p> <p>8 Q. And who did that?</p> <p>9 A. I did.</p> <p>10 Q. So you did both of these revisions to</p> <p>11 the memo, both sets of revisions?</p> <p>12 A. Yes.</p> <p>13 Q. And do you know which one or which</p> <p>14 set of revisions came first, 12, 13 or 9 and</p> <p>15 10?</p> <p>16 A. 12 and 13 are the last ones I have.</p> <p>17 Q. You're aware of S2A Technologies?</p> <p>18 A. Yes.</p> <p>19 Q. And have you signed checks on behalf</p> <p>20 of the Authority?</p> <p>21 A. I don't sign checks.</p> <p>22 Q. Have you prepared checks on behalf of</p> <p>23 the Authority to go to S2A Technologies?</p> <p>24 A. I don't prepare.</p>	<p style="text-align: right;">32</p> <p>1 A. Log onto my system and look it up.</p> <p>2 Q. When's the last time you have ever</p> <p>3 looked?</p> <p>4 A. I don't look.</p> <p>5 Q. Do you know if there's a particular</p> <p>6 hourly fee or educational fee that is charged</p> <p>7 the Authority by S2A Technologies?</p> <p>8 A. I know there's a fee per class, per</p> <p>9 individual. Hourly rates, no.</p> <p>10 Q. And what's the fee per class?</p> <p>11 A. I can't recall. I honestly believe</p> <p>12 it depends on the class.</p> <p>13 Q. Have you ever met Mrs. Rajput?</p> <p>14 A. Yes.</p> <p>15 Q. Has she ever been to the Authority?</p> <p>16 A. No.</p> <p>17 Q. Under what circumstances have you met</p> <p>18 her?</p> <p>19 A. At a retreat for health insurance.</p> <p>20 Q. And do you know why she was there at</p> <p>21 a retreat on health insurance?</p> <p>22 A. Because spouses are invited.</p> <p>23 Q. And have you ever seen any invoices</p> <p>24 sent to the Authority from S2A Technologies?</p>

<p style="text-align: right;">33</p> <p>1 A. No.</p> <p>2 Q. How is it that you know the Authority</p> <p>3 knows what to pay S2A Technologies if there's</p> <p>4 no invoice that's received?</p> <p>5 MR. JONES: Objection,</p> <p>6 mischaracterizes her testimony. She</p> <p>7 just said she hasn't seen them.</p> <p>8 BY MR. WEINSTEIN:</p> <p>9 Q. Do you see the invoices?</p> <p>10 A. It's a price per class, so it's truly</p> <p>11 not an invoice. If an employee goes, we pay</p> <p>12 for them to attend the class.</p> <p>13 Q. How do you know whether someone has</p> <p>14 gone to the class such that a payment should be</p> <p>15 made?</p> <p>16 A. They get a certificate.</p> <p>17 Q. And what does the Authority get so</p> <p>18 that it knows, it has document to justify the</p> <p>19 payment?</p> <p>20 MR. JONES: Objection to form.</p> <p>21 THE WITNESS: The certificate</p> <p>22 comes here.</p> <p>23 BY MR. WEINSTEIN:</p> <p>24 Q. Each time a certificate comes here,</p>	<p style="text-align: right;">35</p> <p>1 A. Yes.</p> <p>2 Q. And do you know whether Dr. Rajput is</p> <p>3 paid with Authority funds for any of the</p> <p>4 training that he's provided?</p> <p>5 MR. JONES: Objection to form.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MR. WEINSTEIN:</p> <p>8 Q. You don't know one way or the other?</p> <p>9 A. No, he does not get paid.</p> <p>10 Q. The money is paid to S2A</p> <p>11 Technologies?</p> <p>12 A. Yes.</p> <p>13 Q. And have you ever had any discussions</p> <p>14 with Dr. Rajput as to whether the payments made</p> <p>15 to his wife's company should be included on the</p> <p>16 statement of financial interest?</p> <p>17 A. No.</p> <p>18 Q. Do you fill out a statement of</p> <p>19 financial interest every year?</p> <p>20 A. I do.</p> <p>21 Q. In the course of doing it, do you get</p> <p>22 any guidance from the Authority solicitor?</p> <p>23 A. No.</p> <p>24 Q. Do you get guidance from anybody?</p>
<p style="text-align: right;">34</p> <p>1 then the Authority knows to pay S2A</p> <p>2 Technologies; is that what I understand?</p> <p>3 MR. JONES: Objection to form.</p> <p>4 THE WITNESS: I believe so, yes.</p> <p>5 BY MR. WEINSTEIN:</p> <p>6 Q. And when's the last time there was</p> <p>7 any change to the fee per class?</p> <p>8 A. I would not know that.</p> <p>9 Q. Has it changed since the time that</p> <p>10 you have been the finance manager?</p> <p>11 A. I would not know that. It depends on</p> <p>12 the class that is taken. The rates seem to</p> <p>13 have stayed the same.</p> <p>14 Q. Do you oversee the issuance of 1099s</p> <p>15 from the Authority?</p> <p>16 A. Yes.</p> <p>17 Q. Have 1099s been issued to S2A</p> <p>18 Technologies?</p> <p>19 A. To the best of my knowledge, yes.</p> <p>20 Q. Do you prepare the 1099s?</p> <p>21 A. The accounting system prepares them.</p> <p>22 Q. Do you physically then mail them out?</p> <p>23 A. Yes.</p> <p>24 Q. Do you maintain copies of them?</p>	<p style="text-align: right;">36</p> <p>1 A. No.</p> <p>2 Q. And has Vijay ever discussed with you</p> <p>3 his preparation of his statement of financial</p> <p>4 interest?</p> <p>5 A. No.</p> <p>6 Q. Is it your understanding that</p> <p>7 payments made to his wife's company should be</p> <p>8 on Dr. Rajput's statement of financial</p> <p>9 interest?</p> <p>10 MR. JONES: Objection to form.</p> <p>11 THE WITNESS: There -- I don't</p> <p>12 look at them. They're in another</p> <p>13 office.</p> <p>14 BY MR. WEINSTEIN:</p> <p>15 Q. Where are those statements of</p> <p>16 financial interests?</p> <p>17 A. In the administration secretary's</p> <p>18 office.</p> <p>19 Q. Where is that located?</p> <p>20 A. Around the corner.</p> <p>21 Q. So it's here in this building?</p> <p>22 A. Yes.</p> <p>23 Q. And who is that administration</p> <p>24 secretary that you're referring to?</p>

<p style="text-align: right;">37</p> <p>1 A. Debbie Magro.</p> <p>2 Q. And do you know for how long the</p> <p>3 statement of financial interests are maintained</p> <p>4 here at the Authority?</p> <p>5 A. I believe indefinitely.</p> <p>6 Q. Do you know if there's any process</p> <p>7 here at the Authority to determine whether</p> <p>8 everyone who is supposed to prepare a statement</p> <p>9 of financial interest has done so?</p> <p>10 MR. JONES: Objection to form.</p> <p>11 THE WITNESS: We keep records of</p> <p>12 who needs to turn them in and they</p> <p>13 need to – you know, they get turned</p> <p>14 in.</p> <p>15 BY MR. WEINSTEIN:</p> <p>16 Q. Who is it that maintains this record</p> <p>17 or list?</p> <p>18 A. The secretary, Debbie.</p> <p>19 Q. Do you know whether anyone checks it</p> <p>20 every year to make sure it's been done by the</p> <p>21 appropriate people?</p> <p>22 MR. JONES: Objection to form.</p> <p>23 THE WITNESS: If it's requested</p> <p>24 from them, it gets turned in.</p>	<p style="text-align: right;">39</p> <p>1 A. Laureen.</p> <p>2 Q. And have you spoken with Mike Andrews</p> <p>3 since yesterday?</p> <p>4 MR. JONES: Objection to form.</p> <p>5 Objection to the extent you're asking</p> <p>6 for privileged communications.</p> <p>7 Don't divulge anything you have</p> <p>8 discussed in the presence of counsel</p> <p>9 or relating to any legal device we</p> <p>10 provided.</p> <p>11 BY MR. WEINSTEIN:</p> <p>12 Q. Without telling me what the</p> <p>13 discussions were, have you had any discussions</p> <p>14 with this Mike Andrews since yesterday?</p> <p>15 A. This morning.</p> <p>16 Q. Was anybody else there?</p> <p>17 A. Dr. Rajput and myself.</p> <p>18 Q. Anybody else?</p> <p>19 A. No.</p> <p>20 MR. JONES: I was present, right?</p> <p>21 THE WITNESS: Oh, it was before</p> <p>22 you got there.</p> <p>23 MR. JONES: So you had a meeting</p> <p>24 before I got there as well?</p>
<p style="text-align: right;">38</p> <p>1 BY MR. WEINSTEIN:</p> <p>2 Q. Who decides from whom it gets</p> <p>3 requested?</p> <p>4 A. The State Ethics Commission. They</p> <p>5 are the ones who require the forms.</p> <p>6 Q. Have you spoken with Leonard Rodak</p> <p>7 since yesterday?</p> <p>8 A. No.</p> <p>9 Q. Have you spoken with Walt Appleton</p> <p>10 since yesterday?</p> <p>11 A. No.</p> <p>12 Q. Do you see invoices that come in from</p> <p>13 the Authority's solicitor?</p> <p>14 A. Yes, with the accounts payable</p> <p>15 report.</p> <p>16 Q. And on those invoices, does it</p> <p>17 indicate how the time was spent?</p> <p>18 A. Yes, to the best of my knowledge.</p> <p>19 Q. And if you were asked to find those</p> <p>20 invoices, where would you go to look?</p> <p>21 A. Accounts payable.</p> <p>22 Q. Where is that?</p> <p>23 A. In this office.</p> <p>24 Q. And what person oversees those?</p>	<p style="text-align: right;">40</p> <p>1 THE WITNESS: It wasn't a</p> <p>2 meeting. We talked about composting.</p> <p>3 MR. JONES: For purposes of the</p> <p>4 record, in case we have to litigate</p> <p>5 this later, I'm not directing these</p> <p>6 witnesses to not divulge any</p> <p>7 discussions they had, but to the</p> <p>8 extent it relates to advice I have</p> <p>9 given, communications that they have</p> <p>10 had about the case in support of our</p> <p>11 defense, those are the communications</p> <p>12 that I'm asking the witness not to</p> <p>13 divulge. Now, if you're asking her</p> <p>14 questions about discussions they have</p> <p>15 had about other matters not</p> <p>16 pertaining to the case, then I don't</p> <p>17 have any objection to you asking</p> <p>18 those questions.</p> <p>19 The reason I'm objecting in an</p> <p>20 abundance of caution is because these</p> <p>21 witnesses are lay people that do not</p> <p>22 necessarily understand what may or</p> <p>23 may not be privileged, so if she</p> <p>24 divulges that not knowing that it's a</p>

<p style="text-align: right;">41</p> <p>1 privileged communication or it should</p> <p>2 be subject to privilege, then it's</p> <p>3 been waived.</p> <p>4 MR. WEINSTEIN: Bear with me one</p> <p>5 second. I need to talk with Mr.</p> <p>6 Pipito and we'll come back and finish</p> <p>7 up.</p> <p>8 * * *</p> <p>9 (Whereupon, a brief recess was</p> <p>10 held at this time.)</p> <p>11 * * *</p> <p>12 MR. WEINSTEIN: Ma'am, I don't</p> <p>13 have any further questions for you.</p> <p>14 Mr. Jones may have questions for you.</p> <p>15 MR. JONES: I do not have any</p> <p>16 questions.</p> <p>17 MR. WEINSTEIN: You're free to go</p> <p>18 and we thank you for your</p> <p>19 cooperation.</p> <p>20 * * *</p> <p>21 (Witness excused.)</p> <p>22 * * *</p> <p>23 (Deposition concluded at</p> <p>24 10:48 p.m.)</p>	<p style="text-align: right;">43</p> <p>1 Pipito v. LBCJMA, et al.</p> <p>2 May 30, 2019 Hope Agosto, PCR</p> <p>3 ACKNOWLEDGEMENT OF DEPONENT</p> <p>4</p> <p>5 I, COLLEEN DUNN, do hereby certify that</p> <p>6 I have read the foregoing pages and that the</p> <p>7 same is a correct transcription of the answers</p> <p>8 given by me to the questions therein</p> <p>9 propounded, except for the corrections or</p> <p>10 changes in form or substance, if any, noted in</p> <p>11 the attached errata sheet.</p> <p>12</p> <p>13 _____</p> <p>14 COLLEEN DUNN DATE</p> <p>15 ERRATA SHEET</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">PAGE</th> <th style="width: 33%;">LINE</th> <th style="width: 33%;">CHANGE</th> </tr> </thead> <tbody> <tr><td>17</td><td>_____</td><td>_____</td></tr> <tr><td>18</td><td>REASON</td><td>_____</td></tr> <tr><td>19</td><td>_____</td><td>_____</td></tr> <tr><td>20</td><td>REASON</td><td>_____</td></tr> <tr><td>21</td><td>_____</td><td>_____</td></tr> <tr><td>22</td><td>REASON</td><td>_____</td></tr> <tr><td>23</td><td>_____</td><td>_____</td></tr> <tr><td>24</td><td>REASON</td><td>_____</td></tr> </tbody> </table>	PAGE	LINE	CHANGE	17	_____	_____	18	REASON	_____	19	_____	_____	20	REASON	_____	21	_____	_____	22	REASON	_____	23	_____	_____	24	REASON	_____
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<p style="text-align: right;">42</p> <p>1 * * *</p> <p>2 CERTIFICATION</p> <p>3 * * *</p> <p>4</p> <p>5 I, Hope Agosto, Professional Court</p> <p>6 Reporter and Notary Public for the Commonwealth</p> <p>7 of Pennsylvania, do hereby certify the</p> <p>8 foregoing to be a true and accurate transcript</p> <p>9 of my original stenographic notes taken at the</p> <p>10 time and place hereinbefore set forth.</p> <p>11</p> <p>12</p> <p>13</p> <p>14 _____</p> <p>15 Hope Agosto</p> <p>16 Court Reporter</p> <p>17 Notary Public</p> <p>18</p> <p>19</p> <p>20 (The foregoing certification of this</p> <p>21 transcript does not apply to any reproduction</p> <p>22 of the same by any means, unless under direct</p> <p>23 control and/or supervision of the certifying</p> <p>24 reporter.)</p>	<p style="text-align: right;">43</p>																											